

Application No. 10/066,811  
Final Office Action dated: September 3, 2008  
Response to Final Office Action dated: February 25, 2009

REMARKS

I. Summary of the Office Action

Claims 1-61 were pending in this application.

Claims 1-19, 39-57, 60, and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein et al. U.S. Patent Application Pub. 2003/0005445 (hereinafter "Schein") in view of Hendricks et al. U.S. Patent Application Pub. 2004/0111742 (hereinafter "Hendricks").

Claims 20-23, 26, 27, 29-38, and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Ellis et al. U.S. Patent Application Pub. 2008/0184315 (hereinafter "Ellis").

Claims 24, 25, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein and Ellis, in further view of Coleman et al. U.S. Patent No. 5,844,620 (hereinafter "Coleman").

Claim 59 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schein and Hendricks, in further view of Coleman.

II. Summary of Telephonic Interview

The undersigned and the Examiner conducted a telephonic interview on January 22, 2009. During the interview, the pending claims and the prior art references were discussed. As described in more detail, below, the undersigned, on behalf of the applicants, argued that features recited in the independent claims were neither shown nor suggested by the cited prior art.

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Applicants appreciate the courtesies extended by the Examiner during the interview.

III. Summary of Applicants' Reply

Applicants have amended claims 1, 2, 6-11, 15-17, 20, 33, 39, 51, and 57-61 to more particularly define applicants' invention. These amendments do not add any new matter and are fully supported by the original specification (e.g., see applicants' specification, page 14, lines 22-25 and page 66, lines 5-9).

The Examiner's rejections are respectfully traversed.

IV. Independent Claims 1, 39, and 57

The Examiner has rejected independent claims 1, 39, and 57 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Hendricks.

Applicants' amended independent claims 1, 39, and 57 are directed towards techniques for displaying an advertisement, customized at user equipment, in an electronic program guide (EPG). Television schedule information is stored in a database local to user equipment. Advertisement information is received, and a portion of the received advertisement information is customized, at the user equipment, to include a retrieved subset of the stored television schedule information.

Schein refers to techniques for displaying television schedule information to a viewer. A viewer may link, search, select and interact with information in a

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television schedule information database, which is displayed on a display screen (see Schein, Abstract).

Hendricks refers to techniques for switching among advertisements based on user demographics information. A primary advertisement is assigned to a first channel, and alternate advertisements are assigned to alternate channels. A set top terminal may switch to the alternate channels to display alternate advertisements based on user demographics information (see Hendricks, Abstract).

Whether taken alone or in combination, Schein and Hendricks fail to show or suggest each and every element of applicants' claims 1, 39, and 57. In particular, Schein and Hendricks fail to show or suggest forming a customized advertisement at user equipment, the customized advertisement including a subset of television schedule information that is retrieved from a database local to the user equipment, as recited by applicants' claims 1, 39, and 57.

Schein does not show or suggest a technique for forming a customized advertisement as described above. The Examiner admits that Schein does not show or suggest such a technique on page 3 of the Office Action, where the Examiner states that "Schein is silent about modifying, at [a] user equipment, a portion of [the] advertisement information to include a [first] subset of [the] stored TV schedule information." Because Schein does not show or suggest modifying, at user equipment, a portion of advertisement information, Schein does not show or suggest customizing an advertisement locally at the user equipment. Therefore, Schein does not show or suggest forming a customized

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advertisement at user equipment, the customized advertisement including a subset of television schedule information that is retrieved from a database local to the user equipment, as recited by applicants' claims 1, 39, and 57.

Hendricks does not make up for the deficiencies in Schein. The Examiner states that Hendricks shows "modifying, at a user equipment, a portion of [the] advertisement information to include a [first] subset of [the] stored TV schedule information" (see Office Action, page 3). As argued during the telephonic interview, applicants respectfully disagree. Hendricks shows selecting, at the user equipment, one of a number of advertisements (see Hendricks, paragraph 136), but the contents of the advertisements themselves are not modified or customized at the user equipment. Because Hendricks does not show or suggest modifying the contents of advertisements at user equipment, Hendricks does not show or suggest customizing an advertisement locally at user equipment, where the customized advertisement includes a subset of television schedule information that is retrieved from a database local to the user equipment, as recited by applicants' claims 1, 39, and 57.

Since all of the claim limitations of applicants' claims 1, 39, and 57 are not shown or suggested by Schein and Hendricks, either alone or in combination, there is no *prima facie* case of obviousness. For at least the foregoing reasons, applicants' respectfully submit that amended independent claims 1, 39, and 57 are allowable over Schein in view of Hendricks. Applicants respectfully request,

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therefore, that the 35 U.S.C. § 103(a) rejection of these claims with withdrawn.

V. Independent Claims 20 and 58

The Examiner has rejected independent claims 20 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of Ellis.

Applicants' amended independent claims 20 and 58 are directed towards techniques for displaying an advertisement in an EPG, where the advertisement is customized at a user equipment. Television schedule information is stored in a first database local to the user equipment. A retrieved subset of the stored television schedule information is overlaid, at the user equipment, onto a portion of received advertisement information to form a customized advertisement.

Schein refers to techniques for displaying television schedule information to a viewer, as described previously in Section IV of this Reply.

Ellis refers to techniques for using an electronic program schedule system with a product ordering capability. Program schedule information displayed on display apparatus. The program schedule information indicates the availability of a product or service for programs included in the program information, where the product or service is associated with a displayed program. A viewer uses a remote control apparatus to generate a first command for displaying information describing the product or service, and a second command for placing an order for the product or service (see Ellis, Abstract).

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Whether taken alone or in combination, Schein and Ellis fail to show or suggest each and every element of applicants' claims 20 and 58. In particular, Schein and Ellis fail to show or suggest forming a customized advertisement by overlaying, at user equipment, a locally retrieved subset of television schedule information onto a portion of received advertisement information, as recited by applicants' claims 20 and 58.

As previously argued in Section IV of this reply, Schein does not show or suggest modifying, at user equipment, a portion of advertisement information. Because Schein does not suggest modifying or customizing a portion of advertising information at user equipment, Schein does not show or suggest forming a customized advertisement by overlaying, at user equipment, a locally retrieved subset of television schedule information onto a portion of received advertisement information, as recited by applicants' claims 20 and 58.

Ellis does not make up for the deficiencies in Schein. The portions of Ellis cited by the Examiner do not describe locally retrieving a subset of television schedule information, but rather merely describe overlaying a product availability icon on a display, where the product availability icon is associated with a displayed program (see Ellis, paragraph 230). Therefore, the portions of Ellis cited by the Examiner do not show or suggest forming a customized advertisement by overlaying, at user equipment, a locally retrieved subset of television schedule information onto a portion of received advertisement information, as recited in the applicants claims 20 and 58.

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Since all of the claim limitations of applicants' claims 20 and 58 are not shown or suggested by Schein and Ellis, either alone or in combination, there is no *prima facie* case of obviousness. For at least the foregoing reasons, applicants respectfully submit that amended independent claims 20 and 58 are allowable over Schein in view of Ellis. Applicants respectfully request, therefore, that the 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

VI. Dependent Claims

Applicants have demonstrated that amended independent claims 1, 20, 39, 57, and 58 are allowable. Claims 2-19, 21-38, 40-56, and 59-61 each depend from one of claims 1, 20, 39, 57, and 58, and are allowable at least because claims 1, 20, 39, 57, and 58 are allowable.

Applicants respectfully request, therefore, that the 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

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VII. Conclusion

The foregoing demonstrates that this application is patentable. Accordingly, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

/Brian E. Mack/

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Brian E. Mack  
Reg. No. 57,189  
Attorney for Applicants  
Customer No. 75563